

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSUE GONZALEZ,

Defendant.

SEALED INDICTMENT

S1 24 Cr. 154 (ER)

COUNT ONE

**(Conspiracy to Commit Theft From Interstate or Foreign Shipments
and to Break and Enter Carrier Facilities with Intent to Commit Larceny Therein)**

The Grand Jury charges:

1. From at least in or about July 2022 through at least in or about March 2024, in the Southern District of New York and elsewhere, JOSUE GONZALEZ, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, (1) stealing from an interstate or foreign shipment by carrier, in violation of Title 18, United States Code, Section 659, and (2) breaking and entering carrier facilities with intent to commit larceny therein, in violation of Title 18, United States Code, Section 2117.

2. It was a part and an object of the conspiracy that JOSUE GONZALEZ, the defendant, and others known and unknown, would and did knowingly embezzle, steal, unlawfully take, and carry away goods valued at \$1,000 and more, namely, beer, from railroad cars and storage facilities, with intent to convert the goods to their own use, which goods were moving as, and which were part of, and which constituted an interstate and foreign shipment of freight and property, in violation of Title 18, United States Code, Section 659.

3. It was further a part and an object of the conspiracy that JOSUE GONZALEZ, the

defendant, and others known and unknown, would and did knowingly break the seals and locks of, and enter, railroad cars and vehicles, containing interstate and foreign shipments of freight and property, with the intent to commit larceny therein, in violation of Title 18, United States Code, Section 2117.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 22, 2023, JOSUE GONZALEZ, the defendant, traveled from in or around Massachusetts to in or around the Bronx, New York, to receive stolen beer, as charged in Counts Two and Three.

b. On or about July 2, 2023, JOSUE GONZALEZ, the defendant, traveled from in or around Massachusetts to in or around the Bronx, New York, to receive stolen beer, as charged in Counts Four and Five.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Interstate Transportation of Stolen Property)

The Grand Jury further charges:

5. On or about April 22, 2023, in the Southern District of New York and elsewhere, JOSUE GONZALEZ, the defendant, knowingly transported, transmitted, and transferred in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted and taken by fraud, to wit, JOSUE GONZALEZ transported to the Bronx, New York, cases of beer that had been stolen from

a location outside of New York.

(Title 18, United States Code, Sections 2314 and 2.)

COUNT THREE
(Receipt of Stolen Goods)

The Grand Jury further charges:

6. On or about April 22, 2023, in the Southern District of New York and elsewhere, JOSUE GONZALEZ, the defendant, received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state and United States boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, to wit, JOSUE GONZALEZ received, in the Bronx, New York, and elsewhere, cases of beer that had been stolen from a location outside of New York.

(Title 18, United States Code, Sections 2315 and 2.)

COUNT FOUR
(Interstate Transportation of Stolen Property)

The Grand Jury further charges:

7. On or about July 2, 2023, in the Southern District of New York and elsewhere, JOSUE GONZALEZ, the defendant, knowingly transported, transmitted, and transferred in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted and taken by fraud, to wit, JOSUE GONZALEZ transported to the Bronx, New York, cases of beer that had been stolen from a location outside of New York.

(Title 18, United States Code, Sections 2314 and 2.)

COUNT FIVE
(Receipt of Stolen Property)

The Grand Jury further charges:

8. On or about July 2, 2023, in the Southern District of New York and elsewhere, JOSUE GONZALEZ, the defendant, received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state and United States boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, to wit, JOSUE GONZALEZ received, in the Bronx, New York, and elsewhere, cases of beer that had been stolen from a location outside of New York.

(Title 18, United States Code, Sections 2315 and 2.)

FORFEITURE ALLEGATION

9. As a result of committing the offenses charged in Counts One, Two, Three, Four, and Five of this Indictment, JOSUE GONZALEZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON

Matthew Podolsky /s/

MATTHEW PODOLSKY
Acting United States Attorney